

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1248 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, being a new
 2 paragraph and insert:
 3 "SECTION 1. IC 35-38-2.5-3 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this
 5 chapter, "monitoring device" means an electronic device:
 6 (1) that:
 7 ~~(1)~~ (A) is limited in capability to the recording or transmitting
 8 of information regarding an offender's presence or absence
 9 from the offender's home;
 10 ~~(2)~~ (B) is minimally intrusive upon the privacy of the offender
 11 or other persons residing in the offender's home; and
 12 ~~(3)~~ (C) with the written consent of the offender and with the
 13 written consent of other persons residing in the home at the
 14 time an order for home detention is entered, may record or
 15 transmit:
 16 ~~(A)~~ (i) visual images;
 17 ~~(B)~~ (ii) oral or wire communication or any auditory sound;
 18 or
 19 ~~(C)~~ (iii) information regarding the offender's activities while
 20 inside the offender's home; or
 21 (2) that:
 22 (A) is worn by an offender; and
 23 (B) uses the global positioning system (GPS) satellite
 24 service to transmit the location of the offender at all times.
 25 SECTION 2. IC 35-38-2.5-11 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. Before entering an
2 order for home detention that requires the use of a monitoring device
3 described in ~~section 3(3)~~ **section 3(1)** of this chapter, the court shall
4 inform the offender and other persons residing in the home of the nature
5 and extent of electronic surveillance provided by the monitoring device
6 in the home."

7 Renumber all SECTIONS consecutively.
(Reference is to HB 1248 as printed January 14, 2005.)

Representative Grubb